

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shevani Patel	Team: Team # 5	CCRB Case #: 201206359	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 05/12/2012 6:30 AM	Location of Incident: § 87(2)(b)	Precinct: 68	18 Mo. SOL 11/12/2013	EO SOL 11/12/2013	
Date/Time CV Reported	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/17/2012 1:59 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Bari	31780	936172	068 PCT
2. POM Nicholas Corrado	20559	943105	068 PCT
3. POM John Wagner	06931	907539	068 PCT
4. SGT Richard Sheahan	04292	937526	068 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Ryan Bradley	01918	946627	068 PCT
2. POM Alexander Arasin	10070	947972	068 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Richard Sheahan	Abuse: Sgt. Richard Sheahan supervised the entry of § 87(2)(b) in Brooklyn.	
B.POM Nicholas Corrado	Discourtesy: PO Nicholas Corrado spoke rudely to § 87(2)(b)	
C.POM Michael Bari	Discourtesy: PO Michael Bari spoke rudely to § 87(2)(b) and § 87(2)(b)	
D.POM John Wagner	Discourtesy: PO John Wagner spoke rudely to § 87(2)(b) and § 87(2)(b)	
E.POM Nicholas Corrado	Force: PO Nicholas Corrado used physical force against § 87(2)(b) and § 87(2)(b)	
F.POM Michael Bari	Force: PO Michael Bari used physical force against § 87(2)(b) and § 87(2)(b)	
G.SGT Richard Sheahan	Force: Sgt. Richard Sheahan used physical force against § 87(2)(b)	
H.SGT Richard Sheahan	Discourtesy: Sgt. Richard Sheahan acted rudely toward § 87(2)(b) and § 87(2)(b)	

Case Summary

On May 12, 2012, § 87(2)(b) and her daughter, § 87(2)(b) made the following complaint with IAB, where it received log number 12-26139 (encl. 3A). On May 17, 2012, IAB referred the complaint to the CCRB (encl. 4A-C).

On May 12, 2012, officers from the 68th Precinct responded to a 911 call of an assault at § 87(2)(b) in Brooklyn. The following allegations resulted:

- **Allegation A – Abuse of Authority:** Sgt. Richard Sheahan supervised the entry of § 87(2)(b) in Brooklyn. § 87(2)(g)
- **Allegation B – Discourtesy:** PO Nicholas Corrado spoke rudely to § 87(2)(b)
- **Allegation C – Discourtesy:** PO Michael Bari spoke rudely to § 87(2)(b) and § 87(2)(b) § 87(2)(b)
- **Allegation D – Discourtesy:** PO John Wagner spoke rudely to § 87(2)(b) and § 87(2)(b) § 87(2)(g)
- **Allegation E – Force:** PO Nicholas Corrado used physical force against § 87(2)(b) and § 87(2)(b)
- **Allegation F – Force:** PO Michael Bari used physical force against § 87(2)(b) and § 87(2)(b)
- **Allegation G – Force:** Sgt. Sheahan used physical force against § 87(2)(b) § 87(2)(g)
- **Allegation H – Discourtesy:** Sgt. Richard Sheahan acted rudely towards § 87(2)(b) and § 87(2)(b) § 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b)

Statement to IAB

On May 12, 2012, § 87(2)(b) provided a statement to IAB (encl. 3A). She stated that officers entered her home looking for § 87(2)(b). She slightly opened the door and officers pushed her out of the way and barged into her apartment. § 87(2)(b) asked for water and an officer said, “Fuck you,” and pushed her down.

CCRB Testimony

On May 24, 2012, § 87(2)(b) provided a telephone statement (encl. 5A-B) and on June 11, 2012, § 87(2)(b) was interviewed at the CCRB (encl. 5C-J). Her interviews are summarized below with any inconsistencies noted.

On May 12, 2012, at approximately 6:30 a.m., § 87(2)(b) was inside of her apartment at § 87(2)(b), in Brooklyn. At the time, her children, § 87(2)(b) and § 87(2)(b) her son’s friend, § 87(2)(b) and her daughter’s friend, § 87(2)(b) were also in the apartment.

The front door opened up into the living room, where § 87(2)(b) was sleeping on the couch, and connected into a dining room, where § 87(2)(b) was sleeping on another couch. The dining room led to two other bedrooms; § 87(2)(b) and § 87(2)(b) were asleep in the furthest bedroom.

As § 87(2)(b) was in the hallway, she heard a loud knock on her door. § 87(2)(b) asked who was at the door and heard someone respond, "Police." Because she was in her nightgown, § 87(2)(b) slightly opened the door approximately three to five inches; she did not hold it shut and did not open it any further for the entirety of the forthcoming conversation. § 87(2)(b) observed between eight to ten officers standing on the other side of her door. § 87(2)(b) was angled in a way that the all of her body was behind the door and only her head was exposed to the opening of the door. An officer, who she could not recall, asked, "Is § 87(2)(b) home?" § 87(2)(b) told the officers that he was sleeping inside. The officers asked if § 87(2)(b) could step outside in order for them to talk to him. § 87(2)(b) addressed herself as § 87(2)(b)'s mother and asked what was going on. The officers refused to tell her. She asked again. The officers told her no. One officer, who § 87(2)(b) described as a male with an olive skin complexion, a medium build, dark brown eyes, black wavy hair pushed back and in his early thirties, slowly approached the door and continued to move closer. The investigation identified this officer as PO Nicholas Corrado of the 68th Precinct. § 87(2)(b) told PO Corrado to "back off." He did not say anything, stopped moving for a few seconds and then quickly pushed the door open. The door made contact with § 87(2)(b)'s breasts and she fell to the ground, landing on her tailbone. § 87(2)(b) could not recall if she stumbled prior to falling. § 87(2)(b) had a breast autopsy two months prior and believed the contact may have caused the clip in her breast to be moved, resulting in continuous pain.

All of the officers simultaneously ran into the apartment and approached § 87(2)(b) who was asleep on the couch in view of the officers from outside of the apartment. § 87(2)(b) yelled, "That's not § 87(2)(b)." Immediately after informing them, all of the officers ran towards § 87(2)(b) who had just woken up, but was still lying down. § 87(2)(b) was not handcuffed. Before the officers approached § 87(2)(b) had managed to get up off of the ground and sit next to § 87(2)(b) on the couch.

§ 87(2)(b) asked the officers what was going on; PO Corrado told § 87(2)(b) to "shut the fuck up." § 87(2)(b) stood up in order to get water. An officer, who § 87(2)(b) described as a white male with broad shoulders, dirty blonde hair, colored eyes, 5'9" and in his early forties grabbed § 87(2)(b) by her right wrist and told her to sit down. The investigation identified this officer as PO John Wagner of the 68th Precinct. § 87(2)(b) sat back down and told PO Wagner to not grab her; PO Wagner told § 87(2)(b) to "shut the fuck up."

PO Corrado, PO Wagner and two other officers, who § 87(2)(b) described as an Irish male in a sergeant's uniform, who was 5'10" to 6', had green or blue eyes, blonde hair, was approximately 40 years old and was named "Schmidt" or "Smith," and a male, who had an olive skin complexion, was 5'9", medium build, dark hair and in his early thirties, approached § 87(2)(b) stood him up, placed his hands behind his back and handcuffed him. The investigation identified the two officers as Sgt. Richard Sheahan and PO Alexander Arasin, respectively, of the 68th Precinct. An officer told § 87(2)(b) that an individual outside of the apartment had been stabbed one hour prior to the officers entering her apartment.

§ 87(2)(b) asked for water. She stood up for the second time in order to get water and started to walk towards the kitchen. An officer, who § 87(2)(b) described as an Italian male, who was 5'7", thin, had dark hair, in his early thirties and the name "Bari," pushed § 87(2)(b) by her elbow, causing her to hit the closet door. The investigation identified the officer as PO Michael Bari of the 68th Precinct. PO Bari told § 87(2)(b) "Shut the fuck up and sit down." § 87(2)(b) sat down. § 87(2)(b) and § 87(2)(b) yelled for the officers to get § 87(2)(b) water. PO Bari responded, "If she drops dead, I will identify her body." § 87(2)(b) looked at PO Bari and spit towards him; the spit did not make contact with his face.

§ 87(2)(b) told an officer that she was going to call her father. The officer, who § 87(2)(b) did not see, responded, "Shut the fuck up. I don't care who your father works for." § 87(2)(b) said, "I

don't care. I'm going to get my mother water." § 87(2)(b) was screaming. § 87(2)(b) attempted to go into the kitchen, but PO Bari, who was blocking the way to the kitchen, pushed § 87(2)(b) with both of his hands, making contact with § 87(2)(b)'s breasts. § 87(2)(b) did not stumble or fall. Sgt. Sheahan grabbed § 87(2)(b)'s throat; § 87(2)(b) stated that § 87(2)(b)'s breathing was not restricted. PO Bari grabbed both of § 87(2)(b)'s arms and both Sgt. Sheahan and PO Bari brought § 87(2)(b) to the ground on her back between the living room and the dining room. § 87(2)(b) did not know if they were attempting to handcuff § 87(2)(b). § 87(2)(b) heard § 87(2)(b) say, "Get off of me." § 87(2)(b) was laying on the ground and not physically moving in any way; she did not prevent the officers from handcuffing her and she did not twist or turn her body.

Sgt. Sheahan got § 87(2)(b) a glass of water. During her sworn statement, § 87(2)(b) indicated that after she took one sip of the water, Sgt. Sheahan grabbed the glass and threw the remainder of the water in her face. However, during her telephone statement, she stated that she was nervous and dropped the water.

§ 87(2)(b) stated that when officers took § 87(2)(b) out of the apartment, he was dragged down the stairs. § 87(2)(b) did not know which officers dragged § 87(2)(b) down the stairs because she could not see him from inside of the apartment.

§ 87(2)(b) observed bruises on § 87(2)(b)'s legs, arms and either her right or left hip. § 87(2)(b) did not observe injuries on any other individual who was in the apartment. No one sought medical attention.

Complainant/Victim: § 87(2)(b)

- § 87(2)(b)

Statement to IAB

On May 12, 2012, § 87(2)(b) provided a statement to IAB (encl. 3A). She stated that officers forcefully entered her home because someone had reported § 87(2)(b). She stated that she went to the kitchen to get water and more than two officers tackled her to the ground, resulting in a "brawl." One of the vehicle plate numbers was 5906.

CCRB Testimony

On May 22, 2012, § 87(2)(b) provided a telephone statement (encl. 6A-B) and on August 16, 2012, § 87(2)(b) was interviewed at the CCRB (encl. 6C-G). Her interviews are summarized below with any inconsistencies noted.

On May 12, 2012, at approximately 6:30 a.m., § 87(2)(b) was inside of her apartment at § 87(2)(b) in Brooklyn with § 87(2)(b) and § 87(2)(b). She awoke to individuals yelling and sirens outside of her window.

Approximately five minutes later, § 87(2)(b) heard knocking on her front door. § 87(2)(b) did not recall if her apartment was buzzed prior to the knocking. § 87(2)(b) approached the front door as § 87(2)(b) came behind her and stood approximately two feet away. The knocking continued and an officer yelled, "Police." § 87(2)(b) looked through the peephole, verified that there were officers outside and opened the door approximately four inches wide. The officers did not say anything to her and one officer, who § 87(2)(b) described as a male, who was 5'9", had slick back dark brown hair, had tan skin and was in his thirties, immediately pushed open the door, which hit § 87(2)(b) and caused her to fall to the ground on her tailbone and elbows. The investigation identified this officer as PO Corrado.

Approximately ten uniformed male officers ran into the apartment. § 87(2)(b) heard an officer yell, § 87(2)(b) "you stabbed somebody." They first approached § 87(2)(b) who was sleeping on a couch. Three officers, who § 87(2)(b) could not recall, shook him to wake him up. Immediately, PO Corrado and three officers, who the investigation identified as Sgt. Sheahan, PO Wagner and PO Arasin, approached § 87(2)(b) sleeping on another couch.

§ 87(2)(b) and § 87(2)(b) went into § 87(2)(b)'s room in order to get a sweatshirt. PO Corrado attempted to close the door on § 87(2)(b) but she was trying to leave the room. He told her to stay in the bedroom.

The officers began yelling, "You stabbed somebody. Come with us right now," in § 87(2)(b)'s face, waking him up. § 87(2)(b) sat up and told the officers that he had been inside of the apartment all night. PO Corrado, PO Wagner, Sgt. Sheahan and PO Arasin attempted to stand § 87(2)(b) up. § 87(2)(b) ran in front of § 87(2)(b) and again asked for an explanation from the officers. An officer, who § 87(2)(b) described as a short male with slick back hair and a belly responded, "Oh shut your fucking mouth. Sit the fuck down." The investigation identified this officer as PO Bari. § 87(2)(b) walked away.

§ 87(2)(b) then stood in front of § 87(2)(b) and asked what was happening. An officer, who § 87(2)(b) did not see, pushed § 87(2)(b) two or three times. The officers wanted to bring an individual upstairs to identify § 87(2)(b). Ms. § 87(2)(b) refused. § 87(2)(b) wanted water. § 87(2)(b) attempted to go to the kitchen in order to get her water, when PO Bari pushed her with his two hands on her breasts. § 87(2)(b) fell backwards onto the couch. PO Bari told § 87(2)(b) "If something happens to your mother, I'll identify her body."

PO Bari, PO Corrado and an officer, who § 87(2)(b) described as a white male, who had pale skin, was 5'7", had light hair, was in his thirties and identified himself as a sergeant, tackled § 87(2)(b) to the ground from behind. The investigation identified the third officer as Sgt. Sheahan. All of the officers pinned § 87(2)(b) to the ground; PO Corrado was on top of § 87(2)(b) and PO Bari and Sgt. Sheahan were holding down her arms and legs. § 87(2)(b) was laying still and did not move her body in any way. She did not know if the officers were attempting to handcuff her. § 87(2)(b) was yelling, "Get off of me," and an officer, who she did not see, yelled, "Shut your mouth." § 87(2)(b) told the officers to get off of § 87(2)(b).

§ 87(2)(b) stood up and two officers, who the investigation identified as PO Corrado and PO Wagner, handcuffed him. § 87(2)(b) stated that no force was used. PO Wagner and PO Corrado pulled § 87(2)(b) outside of the apartment. Three officers, who § 87(2)(b) could not describe, dragged § 87(2)(b) by his shoulders and hair down the stairs, causing his feet to miss some of the steps. § 87(2)(b) heard § 87(2)(b) yell, "My ankle."

§ 87(2)(b) told § 87(2)(b) that her back, arms and breasts were in pain. § 87(2)(b) observed bruising on unspecified areas on § 87(2)(b). § 87(2)(b) complained of pain to his ankle; § 87(2)(b) stated that § 87(2)(b) hurt his ankle approximately six months prior. § 87(2)(b) had bruising on her upper left arm. No one went to the hospital.

Victim: § 87(2)(b)

- § 87(2)(b)

CCRB Testimony

On June 11, 2012, § 87(2)(b) was interviewed at the CCRB (encl. 7A-F). His interview is summarized below.

On May 12, 2012, at approximately 6:30 a.m., § 87(2)(b) was asleep on a couch in the dining room, which is adjacent to the entry room at § 87(2)(b) in Brooklyn; he had been in the apartment for nine hours prior with § 87(2)(b) and § 87(2)(b). § 87(2)(b) was wearing green shorts and a white t-shirt. § 87(2)(b) was asleep on another couch in a different room, which the front door opens into. § 87(2)(b) heard a knock on the door and heard "Police." § 87(2)(b) observed § 87(2)(b) peak outside of the door. He heard an officer ask, "Is § 87(2)(b) here?" § 87(2)(b) asked them why and the door immediately opened and hit § 87(2)(b) causing her to fall to the ground. § 87(2)(b) yelled, "You can't come in." An unidentified officer said, "You invited us in." § 87(2)(b) never heard § 87(2)(b) tell the officers they could enter the apartment. § 87(2)(b) observed approximately ten uniformed officers enter the apartment.

§ 87(2)(b) observed two officers, who he described as white male, who was 5'7", stalky, had brown hair, was in his thirties or forties and identified himself as, "Bari," and a white male, who was 6'3", stalky and had grey hair, approach § 87(2)(b). The investigation identified these officers as PO Bari and PO Wagner, respectively. They lifted § 87(2)(b) up and placed him against the wall; however, they did not handcuff him.

All of the officers then approached § 87(2)(b) who was sitting on the couch. § 87(2)(b) was standing next to § 87(2)(b) and asked for water. PO Bari told § 87(2)(b) "Fuck you. Don't worry. I'll identify your body." PO Bari began to get closer to § 87(2)(b) and used his elbow to push § 87(2)(b) causing her body to hit a closet door. An officer, identified as Sgt. Sheahan, gave § 87(2)(b) water; she took one sip and the officer tipped the cup onto § 87(2)(b) causing the water to spill all over him.

§ 87(2)(b) then moved directly in front of § 87(2)(b) and facing the officer with her arms fully extended on either side. § 87(2)(b) told the officers that she did not allow them into her house and she did not know what they wanted to do with her son. PO Wagner pushed § 87(2)(b) to the side, using one of his hands to move her to the left side, making contact with her right arm. The left side of § 87(2)(b)'s body hit the couch. § 87(2)(b) told the officers to leave the apartment.

PO Wagner grabbed § 87(2)(b)'s wrists. An officer, who § 87(2)(b) described as a Hispanic male, who had a medium skin complexion, was 6'1", had a medium build and dark brown or black hair and was approximately 26 years old, grabbed his shirt. The investigation identified this officer as PO Corrado. PO Wagner and PO Corrado lifted § 87(2)(b) off of the couch and escorted him outside of the apartment, where they handcuffed him. PO Wagner told § 87(2)(b) "Fuck you. Don't make this hard for yourself."

PO Wagner and PO Corrado dragged and pulled § 87(2)(b) down the stairs. § 87(2)(b) was standing upright and stated that he was able to walk, but the officers did not allow him to walk because they were forcefully dragging him down the stairs. PO Wagner told § 87(2)(b) "That's it, you asshole. I've lost my patience with you." This exacerbated an ankle injury from the previous year; however, § 87(2)(b) did not seek medical attention. § 87(2)(b) did not observe any injuries on any other individual.

After getting down the stairs, an individual known to § 87(2)(b) only as "§ 87(2)(b)" identified § 87(2)(b) as his assaulter. PO Wagner and PO Corrado placed § 87(2)(b) into a marked patrol car and transported him back to the stationhouse. § 87(2)(b) was charged with assault. § 87(2)(b) stated that the individual known only as "§ 87(2)(b)" recanted his statements against § 87(2)(b) and the charges were dismissed.

Witness: § 87(2)(b)

- § 87(2)(b)

CCRB Testimony

On August 24, 2012, § 87(2)(b) provided a telephone statement (encl. 8A). § 87(2)(g)

From July 6, 2012 to August 21, 2012, § 87(2)(b) was called five times. On her final call, she provided a telephone statement and scheduled an interview for August 27, 2012, which she failed to appear to without notifying the undersigned beforehand. On July 20, 2012 and August 28, 2012, please call letters were sent to § 87(2)(b). These letters were not returned by the United States Postal Service. On August 27, 2012, a telephone call was made to § 87(2)(b) in attempts to reschedule her appointment. § 87(2)(g)

Attempts to Contact Civilians

§ 87(2)(b) and § 87(2)(b) identified § 87(2)(b) as a witness to this incident. From July 6, 2012 and July 19, 2012, two calls were made to § 87(2)(b) on the number provided by § 87(2)(b).

§ 87(2)(b) it was determined that this was on the wrong number. On July 19, 2012, Lexis Nexis and White Pages searches were conducted, yielding negative results for a telephone number or address for § 87(2)(b) § 87(2)(g)

NYPD Statements:

Subject Officer: PO JOHN WAGNER

- *PO Wanger, a § 87(2)(b)-old white male, is 6'2" tall, 220 pounds and has blonde hair and green eyes. On May 12, 2012, PO Wagner worked in uniform from 11:15 p.m. until 7:50 a.m. with overtime until 5:50 p.m. He was assigned to sector EH patrol out of the 68th Precinct with PO Corrado in marked RMP #5107. PO Wagner was the operator.*

Memo Book

At 6:49 a.m., PO Wagner noted a male stabbed in front of § 87(2)(b). At 6:55 a.m., he conducted a vertical at § 87(2)(b). At 7:10, he noted one individual under arrest inside of § 87(2)(b) § 87(2)(b) (§ 87(2)(b)) resides at § 87(2)(b) DOB: § 87(2)(b) Arrested for § 87(2)(b) (encl. 9A-D).

CCRB Testimony

On October 12, 2012, PO Wagner was interviewed at the CCRB (encl. 9E-G). His interview is summarized below.

On May 12, 2012, at approximately 6:29 a.m., PO Wagner and PO Corrado received a radio run regarding a male, who was stabbed in front of § 87(2)(b) in Brooklyn. He did not recall if any information regarding the perpetrator was relayed over the radio. They were the first officers to arrive on the scene and encountered a male sitting on the curb in front of § 87(2)(b) with a deep laceration to his left shin and his left arm. He informed PO Wagner and PO Corrado that he knew the individual who assaulted him and where he lived. The victim provided the name and description of § 87(2)(b) who lived at § 87(2)(b) and was a heavy-set Arabic male, who was approximately 5'8" and had dark hair. No clothing description was provided. Almost simultaneous to PO Wagner's arrival, PO Ryan Bradley, PO Arasin, PO Bari and Sgt. Sheahan arrived.

All of the officers entered the building, which had an open front door and went upstairs. Once they reached the third floor, they approached apartment § 87(2)(b) and PO Corrado knocked on the door twice. PO Wagner was standing directly behind him. An Arabic female in her late forties and early fifties opened the door approximately four or five feet wide. The investigation identified this individual as § 87(2)(b). She asked why the officers were there. PO Wagner and PO Corrado explained to her that they were looking for her son. PO Wagner observed a male, who fit the description of § 87(2)(b) to the left of the door in plain view and approximately ten to fifteen feet away from the front door. He was lying down on a couch and had a blanket over him chest high. From outside of the doorway, PO Wagner asked him to show his hands two or three times. He refused. PO Wagner told him to stand up. He again refused. Behind PO Wagner and PO Corrado were PO Bari and PO Bradley. PO Wagner did not recall of Sgt. Sheahan and PO Arasin were also present or if they had remained downstairs.

In fear of their safety, PO Wagner and PO Corrado decided to enter the apartment to ensure that the male did not have a weapon on him because they could not see his hands. At this point, the mother was standing parallel to the door. PO Wagner did not recall if the mother stepped aside or offered verbal consent, but she did not attempt to close the door. PO Wagner did not recall if the mother was saying anything upon the officers walking into the apartment. She was never on the ground at any point and the door did not hit her. The front door opened up into a living room, which connected with a dining room. PO Wagner approached the male on the couch,

but before making any physical contact with him, the male showed his hands. No officer made physical contact with him.

At this point, PO Wagner observed another male, identified as § 87(2)(b) lying down on another couch in the dining room. § 87(2)(b) also had a blanket covering his entire body and both hands. PO Wagner approached him and asked to show his hands and sit up. § 87(2)(b) refused to do so. PO Wagner approached § 87(2)(b) and asked him if he was § 87(2)(b). § 87(2)(b) sat up and confirmed. PO Wagner pulled out his handcuffs and told § 87(2)(b) that he would have to be placed under arrest. § 87(2)(b) asked for what. PO Wagner told § 87(2)(b) that he would explain everything to § 87(2)(b) in a second. At this time, § 87(2)(b) was very excitable and combative. She stepped in between PO Wagner and § 87(2)(b) and sat on top of him, not allowing the officers to apprehend § 87(2)(b). She was extending her arms on either side of her body and loudly yelling that her son did not do anything and that she had cancer. PO Wagner asked her to get up more than one time; she said no each time. PO Wagner and PO Corrado each grabbed one of her arms and lifted her off of § 87(2)(b). She told the officers that she had cancer. They stood her up and escorted her into the side room where the remaining officers were standing. She attempted to go back towards § 87(2)(b) but the other officers stepped in the way of her, forming a barricade. No officers struck her or pushed her out of the way at that point or any other point during the incident. PO Wagner did not observe any officer throw water on her.

Another individual in the apartment, who PO Wagner described as an Arabic female between 18 to 20 years old, was yelling at the officers, telling them that she would call IAB. The investigation identified this individual as § 87(2)(b). PO Wagner did not observe any officer make physical contact with her. However, PO Wagner stated that he was in the room with § 87(2)(b) and was not facing her. He stated that he heard commotion, but did not turn around and observe it. PO Wagner never learned of any physical involvement of officers and this female.

PO Wagner explained to § 87(2)(b) that a victim downstairs identified him as the person who stabbed him with his name and description. § 87(2)(b) pulled his arms away from the officers, after they attempted to grab his arms. PO Wagner explained to § 87(2)(b) that they were there doing their job and to make it easy on his mother. PO Wagner asked § 87(2)(b) to stand up; § 87(2)(b) complied and PO Wagner and PO Corrado handcuffed him. PO Wagner did not or did not see any officer pull § 87(2)(b)'s hair. No officer struck or pushed § 87(2)(b). PO Wagner frisked § 87(2)(b) no weapon was recovered. § 87(2)(b) never complained of injuries or asked for medical treatment. PO Corrado and PO Wagner escorted § 87(2)(b) down the stairs. PO Corrado walked in front of § 87(2)(b) and PO Wagner held one of § 87(2)(b)'s arms. He was not struggling walking down the stairs and the officers did not need to drag him.

No officer used profanity during this incident. The officers did not enter any other room aside from the living room and the dining room.

The victim, who was downstairs, positively identified § 87(2)(b) as the individual who assaulted him. The ambulance was still on scene. PO Wagner and PO Corrado transported § 87(2)(b) back to the 68th Precinct stationhouse.

Subject Officer: PO NICHOLAS CORRADO

- *PO Corrado, a § 87(2)(b) old white and Asian male, is 6'2" tall, 210 pounds and has black hair and brown eyes. On May 12, 2012, PO Corrado worked in uniform from 11:15 a.m. to 7:50 a.m. and worked overtime until 8:50 a.m. He was assigned to patrol sector EH out of the 68th Precinct with PO John Wagner in a marked vehicle.*

Memo Book

At 6:49 a.m., PO Corrado noted an assault with a knife in front of § 87(2)(b). At 6:55, a.m., a vertical was conducted at the location. At 7:10 a.m., one individual was arrested inside of § 87(2)(b) § 87(2)(b) m/Arabic/§ 87(2)(b) for § 87(2)(b) (encl. 10A-D).

CCRB Testimony

On October 5, 2012, PO Corrado was interviewed at the CCRB (encl. 10E-G). § 87(2)(g)

Subject Officer: SGT RICHARD SHEAHAN

- Sgt. Sheahan, a § 87(2)(b)-old white male, is 6'3" tall, 245 pounds and has blonde hair and blue eyes. On May 12, 2012, Sgt. Sheahan worked from 11:05 p.m. to 8:02 a.m. Sgt. Sheahan worked in uniform and was assigned as the patrol supervisor of the 68th Precinct in RMP number 5609 with PO Arasin was his operator.

Memo Book:

At 6:49 a.m., Sgt. Sheahan noted an assault at § 87(2)(b). The perpetrator lived in § 87(2)(b). Sgt. Sheahan noted IAB log #12-25776. One individual under arrest by sector EH (PO Wagner) (encl. 11A-B).

CCRB Testimony

On October 12, 2012, Sgt. Sheahan was interviewed at the CCRB (encl. 11C-D). His interview is summarized below. On May 12, 2012, at approximately 6:49 a.m., Sgt. Sheahan received a radio run for an assault in progress at § 87(2)(b) in Brooklyn. He arrived at the location two minutes after two sector cars had arrived. Sgt. Sheahan observed the victim of the assault being placed into an ambulance. Sgt. Sheahan spoke with the male victim, who stated that he was slashed with a knife by an individual named § 87(2)(b) who lived on the third floor of § 87(2)(b). The victim also described what he was wearing. Sgt. Sheahan observed a large gash on the victim's leg. He learned that PO Corrado, PO Wagner, PO Bari and PO Bradley had already entered the apartment. Sgt. Sheahan and PO Arasin entered the building through the front door, which was already cracked open, and arrived at the third floor. The door to apartment number § 87(2)(b) was already open.

Sgt. Sheahan entered the apartment and observed a total of four civilians in the apartment. All of the individuals were in the entry room. He spoke with § 87(2)(b) about why her son was going to be arrested. § 87(2)(b) was irate and told Sgt. Sheahan that she was sick and that she would not let the officers take her son. § 87(2)(b) was never on the ground. She attempted to enter the kitchen in order to get a glass of water. Because there were knives in the kitchen, Sgt. Sheahan believed there to be a safety issue and told her not to move. He got her a glass of water and she placed it down on the table without drinking it.

§ 87(2)(b) who was sitting on the couch, fit the description of the perpetrator and needed to be taken to the stationhouse. § 87(2)(b) continued to yell and jumped on top of § 87(2)(b)'s lap. Sgt. Sheahan explained to § 87(2)(b) that § 87(2)(b) needed to be handcuffed because he fit the description of someone who committed a violent crime and issued her commands to remove herself from his lap. She refused. Sgt. Sheahan and another officer, who he could not recall, grabbed § 87(2)(b) by her arms and stood her up. She continued to approach her son and interfere with the arrest. Sgt. Sheahan held his arm out to create a barrier between § 87(2)(b) and the other officers. He verbally issued her commands to step back, but she continued to approach. § 87(2)(b) was also yelling. He did not make physical contact with § 87(2)(b) or observe any other officer make physical contact with her. Sgt. Sheahan did not observe § 87(2)(b) on the ground.

Sgt. Sheahan gave § 87(2)(b) direction to place his arms behind his back more than twice. § 87(2)(b) did not move or say anything. Sgt. Sheahan stood adjacent to § 87(2)(b) to impede § 87(2)(b) from re-approaching. Two or three of the officers lifted him up by his arms and placed his hands behind his back to handcuff him. § 87(2)(b) did not resist the officers' efforts to move him. No officer pulled § 87(2)(b)'s hair. As officers escorted him out of the apartment, § 87(2)(b)

continued to yell, approached the officers and grabbed Sgt. Sheahan's tie, pulling it off of him. No officer used profanity during this incident.

Sgt. Sheahan escorted § 87(2)(b) down the stairs. § 87(2)(b) walked and was not dragged down the stairwell. § 87(2)(b) did not complain of any injury. Once they arrived downstairs, the ambulance was still at the location. Sgt. Sheahan did not recall if the victim identified § 87(2)(b) as the perpetrator. Sgt. Sheahan did not recall which of his sector cars transported § 87(2)(b) to the stationhouse. After the incident, Sgt. Sheahan learned from the other officers present that § 87(2)(b) had opened the door and the perpetrator was in plain view.

Subject Officer: PO MICHAEL BARI

- *PO Bari, a § 87(2)(b) old white male, is 5'8" tall, 180 pounds and has black hair and brown eyes. On May 12, 2012, PO Bari worked in uniform from 11:35 p.m. to 7:50 a.m. He was assigned to sector ABC patrol out of the 68th Precinct with PO Bradley in a marked RMP #4917. PO Bari was the operator.*

Memo Book

At 6:34 a.m., PO Bari responded to an assault in progress at § 87(2)(b) as the backing sector for 68E. At 6:56 a.m., a vertical was conducted at the location. At 7:10 a.m., an arrest was conducting by 68E. At 7:10, PO Bari transported the male back to the stationhouse. At 7:16 a.m., they arrived at the stationhouse (encl. 12A-B).

CCRB Testimony

On October 18, 2012, PO Bari was interviewed at the CCRB (encl. 12C-E). § 87(2)(g) PO Bari additionally stated that he did not make any physical contact with § 87(2)(b) or § 87(2)(b). He stated that he remained next to § 87(2)(b) approximately ten feet away from where § 87(2)(b) was handcuffed, the entirety of the incident. PO Bari corroborated Sgt. Sheahan's statement regarding the water, stating that § 87(2)(b) placed the glass onto a table after water was retrieved for her.

Police Officers Not Interviewed

Police documentation, as well as officer testimony, identified PO Arasin and PO Bradley as officers on the scene. § 87(2)(g)

NYPD Documents

SPRINT Report

The SPRINT report (encl. 13A-C) notes that sector E requested EMS for a male who was cut with a knife to his chin. The perpetrator, who was an Arabic male without a clothing description, went in an unknown direction. Sector A and the patrol sergeant also responded. EMS responded and transported the male to § 87(2)(b).

68th Precinct Roll Call

The roll call (encl. 13D-K) confirms that Sgt. Sheahan, PO Arasin, Bradley, PO Bari, PO Wagner and PO Corrado were on duty on the date of the incident.

Command Log

The command log (encl. 13L) notes that § 87(2)(b)'s arrest was entered at 7:15 a.m. on May 12, 2012. § 87(2)(b)'s condition was listed as apparently normal. PO Wagner is listed as his arresting officer. § 87(2)(b) was charged with § 87(2)(b) and was transported to Brooklyn Central Booking at 11:35 a.m. in RMP #4911.

Arrest for Incident and Disposition

- All criminal charges in connection § 87(2)(b)'s arrest (§ 87(2)(b)) have been sealed.

Status of Civil Proceedings

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of January 8, 2013 with regard to the incident.

Civilians Criminal History

- § 87(2)(b)

Civilians CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. F-G).

Subject Officers CCRB History

- Sgt. Sheahan has been a member of the service for 8 years and there are no substantiated CCRB allegations against him (encl. 2A).
- PO Corrado has been a member of the service for 6 years and there are no substantiated CCRB allegations against him (encl. 2B).
- PO Bari has been a member of the service for 8 years and there are no substantiated CCRB allegations against him (encl. 2C).
- PO Wagner has been a member of the service for 18 years and there is one substantiated CCRB allegation against him (encl. 2D-E).
 - In case #9901046, a force allegation was substantiated and PO Wagner received a command discipline.

Conclusion

Identification of Subject Officers

- § 87(2)(b) and § 87(2)(b) provided physical descriptions of officers, which matched Sgt. Sheahan, PO Bari, PO Corrado and PO Wagner, who all acknowledged entering § 87(2)(b) Police documentation also links each of these officers, as well as PO Bradley and PO Arasin, to the incident. § 87(2)(g)

Investigative Findings and Recommendations

Allegations Not Pleaded

- During her telephone statement, § 87(2)(b) alleged that Sgt. Sheahan told § 87(2)(b) to “fuck off.” However, § 87(2)(b) did not make this allegation § 87(2)(g)
- § 87(2)(b) alleged that Sgt. Sheahan grabbed onto § 87(2)(b)'s throat, but her breathing was not restricted. However, § 87(2)(b) did not make this allegation § 87(2)(g)
- § 87(2)(b) alleged that as he was escorted down the stairs of his apartment, subsequent to his apprehension, PO Wagner and PO Corrado dragged him down the stairwell. § 87(2)(b) stated that he was standing upright, but the officers did not allow him to take each step and forcibly pulled him down the stairs. § 87(2)(g)

Allegation A – Abuse of Authority: Officers entered § 87(2)(b) in Brooklyn.

It is undisputed that PO Corrado, PO Wagner, PO Bari, PO Bradley, Sgt. Sheahan and PO Arasin entered § 87(2)(b)'s residence. § 87(2)(b) stated that officers knocked on her door. She opened it and kept it open approximately three to five inches wide for the entirety of the conversation. Officers asked to speak to § 87(2)(b) who she acknowledged as being inside of the apartment, but refused to let the officers in. According to § 87(2)(b) PO Corrado then pushed the door open, causing her to fall to the ground, and the officers immediately entered the apartment.

According to PO Wagner and PO Corrado, they spoke directly with the victim of a knife stabbing, who informed the officers that the perpetrator, who he identified as § 87(2)(b) by first and last name, was a heavy-set Arabic male, who was approximately 5'8" and had dark hair, had gone into his apartment at § 87(2)(b) which was the building where the stabbing occurred outside of approximately five minutes prior. According to both officers, the victim, who was stabbed in the leg with a knife and had sustained a deep laceration to his left shin and left arm. PO Wagner and PO Corrado stated that from the entry of the doorway, they observed in plain view an individual, who fit the description of § 87(2)(b) sleeping on a couch approximately ten feet behind § 87(2)(b). This individual, who was later identified as § 87(2)(b) was lying down and had a blanket covering his entire body, up to this chest. From the doorway, PO Wagner asked him to show his hands approximately three times. § 87(2)(b) refused each instance. PO Wagner, PO Corrado and PO Bari each stated that § 87(2)(b) did not provide verbal consent for entry, but took one step to the left and the officers entered, along with PO Bradley. PO Arasin and Sgt. Sheahan arrived and entered the apartment approximately two minutes later.

In People v. McBride, the court upheld the legality of a warrantless entry into a home to make an arrest, based on probable cause with the presence of exigent circumstances, including the gravity or violent nature of the charged offense, whether the suspect is reasonably believed to be armed, a clear showing of probable cause to believe that the suspect committed the crime and the strong reason to believe that the suspect is in the premises being entered (encl. X).

§ 87(2)(g)

Allegation B – Discourtesy: PO Nicholas Corrado spoke rudely to § 87(2)(b)

Allegation C - Discourtesy: PO Michael Bari spoke rudely to § 87(2)(b) and § 87(2)(b)

Allegation D – Discourtesy: PO John Wagner spoke rudely to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) alleged that PO Corrado, PO Wagner and PO Bari each told her to “shut the fuck up.” § 87(2)(b) stated that PO Bari told § 87(2)(b) “Shut your fucking mouth. Sit the fuck down.”

§ 87(2)(b) alleged that PO Bari told her to “shut the fuck up.” § 87(2)(b) corroborated § 87(2)(b)'s statement. In addition, § 87(2)(b) alleged that PO Wagner told him, “Fuck you,” and called him an “asshole.” Each of the officers interviewed denied using any profanity or hearing

any other officer using profanity during the incident. § 87(2)(g)

Allegation E – Force: PO Nicholas Corrado used physical force against § 87(2)(b) and

§ 87(2)(b)

Allegation F – Force: PO Michael Bari used physical force against § 87(2)(b) and § 87(2)(b)

Allegation G – Force: Sgt. Richard Sheahan used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Corrado pushed the door to the apartment open, and the door struck her and she fell backwards. § 87(2)(b) also alleged that PO Bari pushed her against a closet door when she stood up in order to get water. She claimed to have sustained bruising and pain to her breasts, but she did not seek medical attention. § 87(2)(b) and § 87(2)(b) corroborated § 87(2)(b)'s statements. Additionally, § 87(2)(b) alleged that PO Bari, PO Corrado and Sgt. Sheahan tackled her from behind to the ground, causing her to sustain bruising on her left arm. § 87(2)(b) partially corroborated § 87(2)(b)'s statement, stating that PO Bari pushed § 87(2)(b) and that PO Corrado and Sgt. Sheahan grabbed both of § 87(2)(b)'s arms and brought her to the ground. § 87(2)(b) did not observe any officer make any physical contact with § 87(2)(b). Although she did not provide a sworn statement, § 87(2)(b) corroborated § 87(2)(b)'s statement. Both § 87(2)(b) and § 87(2)(b) acknowledged standing in between the officers as they were attempting to handcuff § 87(2)(b). § 87(2)(b) also acknowledged spitting at PO Bari. PO Bari, PO Corrado and Sgt. Sheahan denied making any physical contact with § 87(2)(b) and PO Wagner did not observe any officer touch § 87(2)(b). Sgt. Sheahan stated that when § 87(2)(b) asked for water, he told her not to move because there were knives in the kitchen, which he thought to be a safety issue. He also stated that § 87(2)(b) ripped the tie off of his shirt. PO Bari also denied making physical contact with § 87(2)(b) and no other officer observed PO Bari push § 87(2)(b).

Patrol Guide Procedure 203-11 authorizes an officer to use the minimum amount of force necessary to overcome resistance to effect an arrest (encl. 0A-B).

§ 87(2)(g)

§ 87(2)(g)

Allegation H – Discourtesy: Sgt. Richard Sheahan acted rudely towards § 87(2)(b) and

§ 87(2)(b)

During her sworn statement, § 87(2)(b) alleged that she asked for a glass of water and Sgt. Sheahan retrieved the water for her. § 87(2)(b) took one sip of the water, and Sgt. Sheahan grabbed it out of her hands and threw the remainder of the water in her face. However, in her telephone statement, § 87(2)(b) stated that Sgt. Sheahan brought her a glass of water and she spilt it onto the ground because she was nervous. During § 87(2)(b)'s sworn statement, he stated that Sgt. Sheahan tipped the glass of water into § 87(2)(b)'s lap. § 87(2)(b) and § 87(2)(b) did not corroborate either of these statements. PO Bari and Sgt. Sheahan both stated that § 87(2)(b) was given a glass of water and she placed it onto a table without drinking it. Sgt. Sheahan denied

throwing water on any individual in the room and PO Corrado and PO Wagner made no such observation. § 87(2)(g)

Team: 5

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date